

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

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ROBERT HUNTER, ELMER IRWIN,  
DOUG MERRIN, and THE SECOND  
AMENDMENT FOUNDATION,

Case No. 5:23-cv-01540-GTS-ML

Plaintiffs,

-against-  
CORTLAND HOUSING AUTHORITY  
and ELLA M. DIORIO, personally  
and in her official capacity as Executive  
Director of CORTLAND HOUSING  
AUTHORITY,

**[PROPOSED] ORDER**

Defendants.

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This matter having been opened to the Court upon an application by Plaintiffs Robert Hunter (“Hunter”), Elmer Irwin (“Irwin”), Doug Merrin (“Merrin”), and The Second Amendment Foundation (“SAF”)(Hunter, Irwin, and Merrin collectively the “Individual Plaintiffs”; “SAF” with the Individual Plaintiffs collectively the “Plaintiffs”), for the entry of an Order: (1) compelling Defendants Cortland Housing Authority (“CHA”) and Ella Diorio (“Diorio”) (each a “Defendant” and, collectively, Defendants”) to produce any and all documents responsive to Plaintiffs’ Request for Production No. 17 to CHA and Plaintiffs’ Interrogatory No. 9 to Diorio; (2) compelling Defendants to recover, restore, or replace any deleted or destroyed materials and information responsive to the same; and (3) awarding sanctions against Defendants in the form of attorneys’ fees for their spoliation of evidence; and Plaintiffs having provided Defendants with notice of the motion and supporting documentation; and the Court having considered the Parties’ submissions as well as the arguments of counsel, if any; and good cause having been shown:

**IT IS**, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024,

**ORDERED** that Plaintiffs' Motion to Compel and for Sanctions is hereby **GRANTED**.

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The Honorable Miroslav Lovric  
United States Magistrate Judge